IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No. 2535 of 2005

Between:

Chindada Chantamma, W/o.Appa Rao,
R/o.Lingarajupalem S.Rayavaram Mandal,
Visakhapatnam District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep.by its District Collector, Visakhapatnam District
Visakhapatnam.
2 Government of Andhra Pradesh, rep.by its Mandal Revenue officer,
S.Rayavaram Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction on the part of the 2nd respondent in not granting patta in favour of the petitioner in S.No.88 with an extent of Ac.5-00 situated at peda uppalam village, S.Rayavaram Mandal, Visakhapatnam district is illegal and arbitrary and consequently direct the 2nd respondent to grant patta in favour of the petitioner in s.No.88 an extent of Ac.5-00 of dry land situated at peda uppalam village, S.Rayavaram Mandal, Visakhapatnam district and pass such order or orders as this Hon'ble court may deem fit and proper in the circumstance of the case.

Counsel for the Petitioner: MR.V.V.N.NARAYANA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The case of the petitioner is that she, who is the wife of a village servant, is in possession of land in Sy.No.88 of Peda Uppalam village, from several years, is being attempted to be dispossessed high handedly by the respondents with a view to assign it to others, though the Government by Memo No.52546/VA/1/96-1, dated 23.08.1996 issued a direction to the Collectors to assign land to the village servants on par with Scheduled Castes, Scheduled Tribes and Backward classes, if they are eligible as per rules in force, and though the Collector, Visakhapatnam, by his L.Dis.No.206/05/A4, dated 27.01.205, directed all the Mandal Revenue Officers to consider the representation of A.P.Village Servants Association, Visakhapatnam District dated 18.01.2005, in terms of the afore said memo.

The contention of the learned counsel for the petitioner is that petitioner, who belongs to S.C.Community, is in long standing possession of Ac.5.00 cents in Sy.No.88 of Peda Uppalam village, had sought for assignment of that land in her favour, but the respondents without considering the said application and the resolution of the Gram Panchayat and the memo No.52546/VA/1/96-1, dated 23.08.1996, are trying to dispossess her from the land, for assigning the same to others, and so the petitioner is obliged to file this petition. The contention of the learned Government Pleader is that petitioner except producing a copy of the resolution dated 12.04.2000 did not produce any other document to show her alleged long standing possession and so petitioner is not entitled to any relief.

From the documents produced by the petitioner it is seen that she and others gave a representation to the Revenue Divisional Officer seeking assignment of the land in Sy.No.88 and that he endorsed the same to the second respondent. So second respondent has to pass appropriate orders on the said representation allowing or rejecting the prayer, keeping in view the eligibility of the petitioner for assignment.

In view there of this petition is disposed of with a direction to the respondents to dispose of the application given by the petitioner and others to the Revenue Divisional Officer on 13.01.2005, copy of which is filed with this writ petitioner, on its merits as per the Rules in force, as expeditiously as

possible, at any rate within six weeks from the date of receipt of a copy of this order. Meanwhile, both parties shall maintain status quo as on today till dispose of the said application. No costs.

Dated: 15.02.2005

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The District Collector,

Visakhapatnam District

2. The Mandal Revenue Officer,

S.Rayavaram Mandal,

Visakhapatnam District

3. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies